

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOE LOUIS BROOKS, #83462

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:08-cv-145-TSL-LRA

MAYOR JOHN ROBERT SMITH, et al.

DEFENDANTS

FINAL JUDGMENT

This cause is before the court, sua sponte, for consideration of dismissal. As reflected in the opinion and order of the court issued this day, plaintiff's claims are not cognizable under 42 U.S.C. § 1983. Consequently, it is hereby,

ORDERED AND ADJUDGED that this cause be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), with prejudice, for failure to state a claim upon which relief may be granted. To the extent that plaintiff is seeking habeas relief his claims are dismissed without prejudice.

Since this case is dismissed in accordance with the above mentioned provision of the Prison Litigation Reform Act, it will be counted as a "strike" pursuant to 28 U.S.C. § 1915(g).

SO ORDERED AND ADJUDGED, this the 28th day of May, 2009.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE